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FILED  
U.S. DISTRICT COURT  
DISTRICT OF WYOMING  
2015 APR 29 AM 11 34

STEPHAN HARRIS, CLERK  
CHEYENNE

*Counsel for Respondent the Honorable Cynthia Lummis,  
U.S. Representative for Wyoming*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

JACQUELINE S. JUDD,

Petitioner,

v.

CYNTHIA LUMMIS,  
U.S. Representative for Wyoming,

Respondent.

Case No. 15-CV-64-S

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1442 and 1446, Respondent the Honorable Cynthia Lummis, U.S. Representative for Wyoming, hereby removes this action from the District Court of the 7th Judicial District, Natrona County, Wyoming ("7th Judicial District"), where it originally was filed, to the U.S. District Court for the District of Wyoming. Petitioner Jacqueline Judd filed the pleading giving rise to this removal petition in the 7th Judicial District on March 20, 2015, and a

\* Attorneys for the Office of General Counsel for the U.S. House of Representatives are "entitled, for the purpose of performing the counsel's functions, to enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof without compliance with any requirements for admission to practice before such court." 2 U.S.C. § 5571(a).

copy of the pleading was hand-delivered to Congresswoman Lummis's district office in Cheyenne on April 9, 2015.

Removal is appropriate pursuant to 28 U.S.C. § 1442(a), inasmuch as (i) Congresswoman Lummis is being sued in her official capacity for alleged acts or omissions under color of her office as a Member of Congress, and (ii) the Congresswoman can raise a colorable federal defense to the claims asserted, including her absolute immunity from suit pursuant to the Speech or Debate Clause of the U.S. Constitution, art. I, § 6, cl. 1. *See, e.g., Jones v. Bass*, 343 F. Supp. 2d 1066, 1071 (D. Wyo. 2004) (holding that § 1442(a) removal from state court appropriate where complaint named defendant employee of Internal Revenue Service in his official capacity).

Copies of the following, which constitute all filings with the 7th Judicial District of which we are aware, are attached:

- Petition for Writ of Mandamus, Declaratory Judgment, and Permanent Injunction, *Wyoming's Voice, LLC ex rel. Jacqueline S. Judd v. Wyoming House of Representative Cynthia Lummis*, No. 099042 (7th Judicial Dist. Ct., Natrona Cnty., Wyo.) (Mar. 20, 2015), attached as Exhibit A.
- Case information screen (Mar. 20, 2015), attached as Exhibit B.
- "Precipe" (seeking a summons) (Apr. 1, 2015), attached as Exhibit C.
- Summons (issued Apr. 1, 2015; served Apr. 9, 2015; returned Apr. 13, 2015), attached as Exhibit D.
- Motion for an Order to Show Cause (Apr. 13, 2015), attached as Exhibit E.
- Affidavit in Support of Order to Show Cause (Apr. 13, 2015), attached as Exhibit F.
- Order Denying Motion for an Order to Show Cause (Apr. 17, 2015), attached as Exhibit G.

Simultaneously with the filing of this Notice of Removal with this Court, a copy of this Notice of Removal also is being lodged with the clerk of the 7th Judicial District. *See Local Civ.*

R. 81.1

Respectfully submitted,

KERRY W. KIRCHER, D.C. Bar No. 386816

General Counsel

WILLIAM PITTARD, D.C. Bar No. 482949

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*Counsel for Respondent the Honorable Cynthia  
Lummis, U.S. Representative for Wyoming*

April 29, 2015

**CERTIFICATE OF SERVICE**

I hereby certify that on April 29, 2015, I filed the foregoing Notice of Removal with the Clerk of the Court for the U.S. District Court for the District of Wyoming by Federal Express overnight delivery. I further certify that I served one copy by first class mail, postage prepaid, on:

Ms. Jacqueline S. Judd  
155 North Fenway Street  
Casper, WY 82601

  
Sarah E. Clouse